

**Settlement Deadline: March 27, 2017 at 12 p.m.**

**Objection Deadline: March 24, 2017 at 12 p.m.**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

SUSANNE STONE MARSHALL, ADELE FOX,  
MARSHA PESHKIN, and RUSSELL OASIS,

Plaintiffs,

v.

CAPITAL GROWTH COMPANY; DECISIONS,  
INC.; FAVORITE FUNDS; JA PRIMARY LIMITED  
PARTNERSHIP; JA SPECIAL LIMITED  
PARTNERSHIP; JAB PARTNERSHIP; JEMW  
PARTNERSHIP; JF PARTNERSHIP; JFM  
INVESTMENT COMPANIES; JLN PARTNERSHIP;  
JMP LIMITED PARTNERSHIP; JEFFRY M.  
PICOWER SPECIAL COMPANY; JEFFRY M.  
PICOWER, P.C.; THE PICOWER FOUNDATION;  
THE PICOWER INSTITUTE OF MEDICAL  
RESEARCH; THE TRUST F/B/O GABRIELLE H.  
PICOWER; BARBARA PICOWER, individually, and  
as Executor of the Estate of Jeffry M. Picower, and as  
Trustee for the Picower Foundation and for the Trust  
f/b/o Gabrielle H. Picower; and IRVING H. PICARD,  
Trustee for the Liquidation of Bernard L. Madoff  
Investment Securities LLC,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 15-01293 (SMB)

**NOTICE OF SETTLEMENT OF ORDER**

**PLEASE TAKE NOTICE** that pursuant to the Memorandum Decision Denying Motion for Declaratory Judgment and Dismissing Complaint, entered by this Court in the above-referenced adversary proceeding on March 7, 2017 and upon direction of the Court, the undersigned counsel to the Picower Parties<sup>1</sup> will present the attached proposed order to the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, for settlement and signature in his chambers located at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004 on **March 27, 2017**.

**PLEASE TAKE FURTHER NOTICE** that any counter-proposed orders and/or objections to the proposed order must be in writing and must be filed with the Clerk of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004 by no later than **March 24, 2017** (with a courtesy copy delivered to the chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker & Hostetler LLP, counsel for the Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Protection Act, 15 U.S.C. §§ 78aaa–III, and the Chapter 7 estate of Bernard L. Madoff, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan, Esq., (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, D.C. 20005, Attn: Kevin H. Bell, Esq., and (c) Schulte Roth & Zabel LLP, counsel for the Picower Parties, 919 Third Avenue, New York, NY 10022, Attn: Marcy Ressler Harris, Esq. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any

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<sup>1</sup> The “Picower Parties” are Capital Growth Company; Decisions, Inc.; Favorite Funds; JA Primary Limited Partnership; JA Special Limited Partnership; JAB Partnership; JEMW Partnership; JF Partnership; JFM Investment Companies; JLN Partnership; JMP Limited Partnership; Jeffry M. Picower Special Company; Jeffry M. Picower, P.C.; the Picower Foundation; the Picower Institute of Medical Research; the Trust F/B/O Gabrielle H. Picower; and Barbara Picower, individually, and as executor of the estate of Jeffry M. Picower, and as Trustee for the Picower Foundation and for the Trust F/B/O Gabrielle H. Picower.

objection to the proposed order. Unless a counter-proposed order and/or written objection to the proposed order are received before the objection deadline, the proposed order may be signed and entered.

Dated: New York, New York  
March 20, 2017

**SCHULTE ROTH & ZABEL LLP**

By: /s/ Marcy Ressler Harris

William D. Zabel

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